

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

GARY BATTAGLINI,	:	Civil Action No. 15-cv-3909
Plaintiff,	:	
	:	
v.	:	
	:	
FRANK LABOR, III and JOHN AUGUSTINE,	:	
Defendants.	:	

ORDER

AND NOW, this 13th day of August, 2015, upon consideration of plaintiff's motion to proceed *in forma pauperis* (Document No. 3), his *pro se* complaint, and his motion to reopen (Document No. 4), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Plaintiff, Gary Battaglini, #42724-066, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by plaintiff, an initial partial filing fee of \$29.93 is assessed. The Warden or other appropriate official at the Federal Correctional Institution at Elkton or at any other prison at which plaintiff may be incarcerated is directed to deduct \$29.93 from plaintiff's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 15-3909. After the initial partial filing fee is collected and until the full filing fee is paid, the Warden or other appropriate official at the Federal Correctional Institution at Elkton or at any other prison at which plaintiff may be incarcerated,

shall deduct from plaintiff's account, each time that plaintiff's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 15-3909.

3. The complaint is **DISMISSED** as legally frivolous for the reasons discussed in the Court's memorandum.

4. The Clerk of Court is directed to send a copy of this order to the Warden of the Federal Correctional Institution at Elkton.

5. Plaintiff's Motion to Reopen Pro Se Civil Action is **GRANTED** to the extent it requests consideration of plaintiff's *in forma pauperis* motion and his complaint and **DENIED** to the extent it seeks to proceed on the complaint.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.
United States District Judge